

SUMTER COUNTY ORDINANCE 2006-

AN ORDINANCE OF SUMTER COUNTY, FLORIDA, ESTABLISHING A LOCAL EXEMPTION PROCEDURE TO CERTAIN PROVISIONS OF THE FOOD AND DRUG ADMINISTRATION FOOD CODE IN ORDER TO ALLOW PATRONS' DOGS WITHIN CERTAIN DESIGNATED OUTDOOR PORTIONS OF PUBLIC FOOD SERVICE ESTABLISHMENTS, PROVIDING FOR A PERMIT FOR SUCH USAGE, PROVIDING FOR DETAILED OPERATIONAL STANDARDS, PROVIDING FOR SUNSET, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith, PROVIDING FOR CODIFICATION, PROVIDING AN EFFECTIVE DATE; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, the Florida legislature adopted a statute to create a pilot program allowing local governments the authority to adopt an exemption to established food codes to allow patrons to bring their dog to designated outdoor portions of public food establishments, and

WHEREAS, the Board of County Commissioners has been asked to adopt this exemption,

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Sumter County, Florida, as follows:

Section 1. The Sumter County Land Development Code as set forth in Chapter 13 of the Sumter County Code is amended to add the following provisions:

a. LOCAL EXEMPTION AUTHORIZED. There is hereby established a local exemption procedure to certain provisions of the Food and Drug Administration Food Code, as currently adopted by the Florida Division of Hotels and Restaurants, in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments.

b. LIMITATIONS ON EXEMPTION; PERMIT REQUIREMENTS.

1) This exemption shall only provide a variance to those portions of the currently adopted Food and Drug Administration Food Code in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments.

2) In order to protect the health, safety, and general welfare of the public, participating public food service establishments shall apply for and receive a permit from the Sumter County Planning Department (Department) before allowing patrons' dogs on their premises. The Department shall establish a fee schedule for such permits. The application for the permit shall include the following information:

(A) The name, location, and mailing address of the public food service establishment.

(B) The name, mailing address, and telephone contact information of the permit applicant.

(C) A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by

the county. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.

(D) A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.

3) In order to protect the health, safety, and general welfare of the public, the following regulations and limitations shall apply to establishments which obtain such a permit:

(A) Employees shall be prohibited from touching, petting, or otherwise handling dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment. All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling dogs.

(B) Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.

(C) Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.

(D) Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control. All dogs shall have all required licensing.

(E) Dogs shall not be allowed on chairs, tables, or other furnishings.

(F) All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.

(G) Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product in accordance with Section 4-501.114 of the 2005 FDA food code. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.

(H) A sign or signs reminding employees of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.

(I) A sign or signs reminding patrons of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.

(J) A sign or signs shall be posted in a manner and place as determined by the local permitting authority that places the public on notice that the designated outdoor area is available for the use of patrons and patron's dogs.

(K) Dogs shall not be permitted to travel through indoor or nondesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment must not require

entrance into or passage through any indoor area of the food establishment.

4) A permit issued pursuant to this section shall not be transferred to a subsequent owner upon the sale of a public food service establishment but shall expire automatically upon the sale of the establishment. The subsequent owner shall be required to reapply for a permit pursuant to this section if the subsequent owner wishes to continue to accommodate patrons' dogs.

c. VIOLATIONS. A violation of any of the permit requirements may result in suspension or revocation of the permit as provided in other provisions of the Sumter County Code.

Section 2. This section shall expire July 1, 2009, unless reviewed and saved from repeal by re-enactment by the Florida Legislature.

Section 3. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Sumter County Code and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention.

Section 4. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5. This ordinance shall take effect on _____
_____.

Section 6. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not effect the validity of the remaining portion.

DONE AND ORDAINED this _____ day of _____,
2006, at Bushnell, Sumter County, Florida.

ATTEST: GLORIA HAYWARD
Clerk of Circuit Court

BOARD OF COUNTY COMMISSIONERS
OF SUMTER COUNTY, FLORIDA

By: _____
DEPUTY CLERK

By: _____
Joey Chandler, Chair